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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 JORGE ALEJANDRO ROJAS,
12 v.
13 Plaintiff,
14 UNPLUGGED MEDIA, LLC, et al.,
15 Defendants.

16 Case No. 2:23-cv-02667-SPG-KS

17 District Judge Sherilyn Peace Garnett
18 Magistrate Judge Karen L. Stevenson

19 **REQUEST FOR ELECTRONIC**
20 **APPEARANCE VIA ZOOM**

21 Plaintiff, Jorge Alejandro Rojas, pursuant to this Court's Requirements and
22 Procedures, requests the ability to attend the April 17, 2024 Hearings on Plaintiff's Motion
23 to File Second Amended Complaint (Dkt. 48) and Defendant Alexander Bykhovsky's
24 Motion to Dismiss Plaintiff's First Amended Complaint or in the Alternative to Strike
25 Service (Dkt. 46) via Zoom¹.

26 Pursuant to L.R. 7-3, Plaintiff attempted to confer with Defendant Alexander
27 Bykhovsky, who has stated "I'm not in the country, I don't consent to the Court's
28 jurisdiction over me." Exhibit 1, Declaration of J. Rojas ("Rojas Dec'l") ¶ 3. Plaintiff has

29 ¹ A motion to set aside entry of default is also pending – but has no hearing date and
30 Defendant did not confer prior to filing. Dkt. 50. Plaintiff has filed notice of his non-
31 opposition. Dkt. 51.

1 been unable to confer with the corporate Defendant Unplugged Media, LLC because they
2 are in default (Dkt. 30) and Plaintiff is unaware of counsel for the same.

3 Mr. Bykhovsky claims to be in Panama. He has represented that to Plaintiff (Dkt.
4 25-1 ¶ 3) as well as in this Court's filings (Dkt. 46 p. 2), although in at least one filing he
5 has stated that he is in Puerto Rico (Dkt. 40 p. 2).

6 Plaintiff commenced this action under the Telephone Consumer Protection Act, 47
7 U.S.C. § 227, initially naming Defendants which have since been dismissed with prejudice.
8 The operative complaint names Unplugged Media, LLC, and Alexander Bykhovsky, and
9 was filed in this District in part because Plaintiff was visiting family in this District when
10 he received one of the telephone calls at issue in this action.

11 Default pursuant to Fed. R. Civ. P. 55(a) has been entered as to the corporate entity.
12 Dkt. 30. Plaintiff thereafter sought alternative service on Defendant Bykhovsky (Dkt. 25),
13 which the Court granted (Dkt. 36). Plaintiff sought electronic appearance for that hearing
14 (Dkt. 33) which the Court granted (Dkt. 34). Bykhovsky has since appeared. Bykhovsky
15 now moves to dismiss the operative complaint and strike service. For the reasons set forth
16 in Plaintiff's response, Bykhovsky's motions should be denied. Plaintiff has also moved
17 for leave to file a Second Amended Complaint. Dkt. 48. The Second Amended Complaint
18 includes new calls allegedly made by Defendants, removes references to dismissed
19 Defendants, and includes additional new parties which Plaintiff has identified as liable for
20 the alleged conduct in this action.

21 Plaintiff seeks to appear via Zoom for the hearings on these motions. Bykhovsky
22 does not appear to intend to appear in person.

23 The basis for the electronic appearance request is primarily due to Plaintiff's work
24 schedule and location. Plaintiff notes that while he now works a different job than his first
25 electronic appearance request in this case, that similar reasons exist to grant this request.
26 Plaintiff lives in Bolingbrook, Illinois, a suburb of Chicago, and would need to pay for air
27 travel to attend the hearing, and miss at least one, and possibly two, days of work to attend
28 the hearing in person and arrange to make sure his work obligations are covered by another

1 individual. Rojas Dec'1 ¶ 6. Plaintiff also has a prior commitment of vacation beginning
2 April 19, 2024 and being able to attend the hearing virtually will mitigate compression on
3 his schedule related to his work and personal obligations. Rojas Dec'1 ¶ 6. Plaintiff
4 recognizes that he commenced this action in this venue, primarily because he viewed it as
5 the appropriate forum given Defendants made the telephone call to Plaintiff, who has a 424
6 “in district” area code, while he was present within the District.

7 Plaintiff believes the parties resources would be conserved utilizing a Zoom
8 appearance, as it would reduce the expenses necessary in this case (primarily the air fare,
9 fares which range from \$200-300) as well as allow Plaintiff to attend the hearing with
10 minimal interruption to his work requirements and obligations. Plaintiff believes that it is
11 unlikely any Defendant will attend the in person hearing, considering that Bykhovsky has
12 stated he is in Panama and “It is logically impossible for me to address this until/unless
13 I move back to the United States.” Rojas Dec'1 ¶ 7.

14 Plaintiff believes that his motion to amend and his response to Bykhovsky’s motions
15 address why Plaintiff’s motion should be granted and why Defendant’s motion should be
16 denied and would consent to a waiver of oral argument. Nevertheless, Plaintiff believes
17 that any questions the Court may have can be answered virtually via the Zoom platform
18 with oral argument.

19 Plaintiff respectfully requests the Court allow Plaintiff to appear via Zoom for the
20 hearing. A proposed order consistent with the relief requested is included.

21 Respectfully submitted,
22 Dated: March 31, 2024.

23 /s/ Jorge Alejandro Rojas
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1 **CERTIFICATE OF SERVICE**

2 A copy of this filing will be mailed to each Defendants last known address and/or
3 registered agent via USPS Mail. As to Defendant Unplugged Media, LLC, it will be sent
4 to its resident agent, PRelocate, LLC, 954 Ave Ponce de Leon, Suite 205, SAN JUAN, PR,
5 00907. As to Defendant Bykhovsky, it will be sent to 40 Calle Elbrus, Panama City,
6 Panama 0801. These documents will be deposited by Plaintiff into a mailbox for mailing
7 on the same or next business day. A copy will also be sent via e-mail to
8 alexgoldlv@gmail.com².

9 Dated: March 31, 2024.

10 */s/ Jorge Alejandro Rojas*

11 **L.R. 11-6.1 CERTIFICATE OF COMPLIANCE**

12 The undersigned, Plaintiff Jorge Alejandro Rojas, certifies that this brief contains 1011
13 words, based upon Microsoft Word's calculation, which complies with the word limit of
14 L.R. 11-6.1.

15 Dated: March 31, 2024.

16 */s/ Jorge Alejandro Rojas*
17 JORGE ALEJANDRO ROJAS

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28 ² Defendant has not consented to receipt of documents via e-mail, but Plaintiff is nevertheless emailing him said document.